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September 10, 2020

Pressly M. Millen
Womble Bond Dickinson (US) LLP
555 Fayetteville Street
Suite 1100
Raleigh, NC 27601

Via Email: press.millen@wbd-us.com

Re: Josh Stein's Unfortunate Record

Mr. Millen,

We are counsel to Old North PAC, a North Carolina independent expenditure political committee dedicated to educating the public on the views and positions of candidates for the state's highest law enforcement position. We are writing this letter in response to your September 4, 2020 letter to our client's Treasurer, Mrs. Lee Russell. As you no doubt are aware, truth is an absolute defense to claims of defamation, and in this case, our client's claims are true.

Your letter takes issue with a digital advertisement produced and disseminated by our client which accurately educates the public regarding Josh Stein's positions. We understand Mr. Stein may now find inconvenient the facts regarding his lack of support for law enforcement, but we did not expect the state's highest law enforcement officer to attempt to stymie the marketplace of ideas and First Amendment through such a blatant, desperate political maneuver.

Per your letter, there are two particular facts which you have characterized as "false and misleading," including that Mr. Stein has been "silent" on the national protests and defunding the police and that he "supports reduced sentences for violent criminals." Both of these statements are true and amply supported by facts.

The full context of the ad may be helpful in understanding the statements made by our client. The audio (lowercase) and visual (CAPS) of the ad states: "America's burning. (OUR CITIES ARE BURNING) Liberal leaders have called to defund the police. (NORTH CAROLINA LIBERALS: COMPLICIT) And Attorney General Josh Stein?: Silent. (ATTORNEY GENERAL JOSH STEIN IS SILENT) Silent on the burning. Silent on the violence."

On June 4, 2020, the Democrat nominee for North Carolina Commissioner of Agriculture, Jenna Wadsworth tweeted that the Raleigh Police budget should be used to fund transit, social workers,

affordable housing, health and more.¹ Rather than promptly condemn this outrageous position by his fellow statewide Democrat candidate, Josh Stein has been silent. To be clear, a Democrat leader in the state of North Carolina is calling to defund the police, and Mr. Stein has made no public statements on whether or not the police should be defunded, merely standing by as this dangerous idea has caught fire with his Democrat allies. He has not defended law enforcement while his friends continue pushing to defund the police. The statement which you reference in your letter that “wrongdoers should be held accountable” is pathetically vague and noncommittal. Further, Mr. Stein’s office was contacted by the *Washington Examiner* for comment on the nationwide cries to defund the police and he remained silent and refused to respond.² If Mr. Stein now stands by the police, he should unambiguously say so.

In 2009, Mr. Stein voted “Yes” on North Carolina Senate Bills 488 and 489, which together have the effect of reducing repeat felons’ sentences, including those of violent criminals.³ You alluded to these votes in your letter stating they are “not supportable by reference.” Mr. Stein’s votes for S.B. 488 and 489 clearly and unequivocally indicate his support for reduced sentences of violent criminals. Your client is an incumbent candidate for North Carolina’s highest law enforcement position—as such his record should and will be fact-checked. While Mr. Stein is attempting to suppress criticism of his extreme views, the voters of North Carolina deserve to cast their vote knowing the truth about their candidates. The ability to criticize a candidate’s record and policies and matters of public importance lies at the heart of the First Amendment, as courts have repeatedly recognized.⁴ We look forward to defending our client’s truthful advertising should you take “further action” of any sort.

Our client stands by their ad which accurately reflects the views and positions Mr. Stein has taken on important issues facing North Carolina and our country, and will continue to educate the public on his extreme views. I can be reached at 202-466-5964. Please don’t hesitate to reach out if you have any questions.

Cordially,



Charlie Spies
Jessica Brouckaert
Counsel to Old North PAC

¹ @jennawadsworth, TWITTER (Jun. 4, 2020), https://twitter.com/jennawadsworth/status/1268702602952413186?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwtterm%5E1268702602952413186%7Ctwgr%5Eshare_3&ref_url=https%3A%2F%2Fwww.wwaytv3.com%2F2020%2F06%2F09%2Fwilmington-mayor-talks-defunding-police-im-more-about-police-reform%2F; Matt Bennett,

Wilmington mayor talks defunding police: “I’m more about police reform”, WWAY3 (Jun. 9, 2020), <https://www.wwaytv3.com/2020/06/09/wilmington-mayor-talks-defunding-police-im-more-about-police-reform/>.

² Dominick Mastrangelo, *We reached out to all 50 state attorneys general about defunding the police, only one Democrat provided comment*, *Washington Examiner* (Jun. 22, 2020), <https://www.washingtonexaminer.com/news/we-reached-out-to-all-50-state-attorneys-general-about-defunding-the-police-only-one-democrat-provided-comment>.

³ Senate Roll Call Vote Transcript for Roll Call #885, 2009-2010 Session (Jul. 15, 2009), <https://www.ncleg.gov/Legislation/Votes/RollCallVoteTranscript/2009/S/885>; Senate Roll Call Vote Transcript for Roll Call #886, 2009-2010 Session (Jul. 15, 2009), <https://www.ncleg.gov/Legislation/Votes/RollCallVoteTranscript/2009/S/886>; Chris Hayes, *Legislature Slashes Sentences for Murderers and Rapists*, *Civitas Institute* (Dec. 8, 2009), <https://www.nccivitas.org/2009/legislature-slashes-sentences-murderers-and-rapists/>.

⁴ *New York Times v. Sullivan*, 376 U.S. 254 (1964).